

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

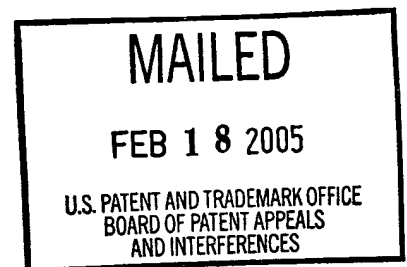
Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HOWARD S. BARNETT

Application No. 09/827,547



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 27, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Appeal Brief dated August 22, 2003. A review of the Appeal Brief reveals that it is not in compliance with 37 CFR 1.192{c} now 41.37{c}(1), since the following required headings including {5}-{8} are missing.

Application No. 09/827,547

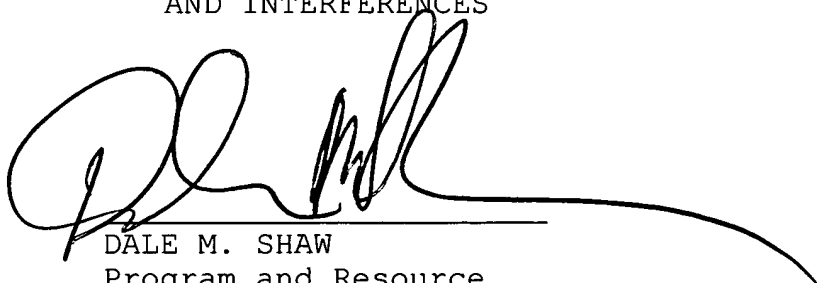
Since Appellant filed his Appeal Brief prior to September 2004, appellant has the choice of filing an amended Appeal Brief that complies with either 37 CFR § 1.192 or 37 CFR § 41.37 {c}{1}.

Accordingly, it is

Ordered that the application is returned to the Examiner to take corrective action with respect to the following:

- 1) To notify appellant that the Appeal Brief filed August 22, 2003 is defective (as identified above), giving appellant an opportunity to submit an amended brief; and
- 2) For such further action as may be deemed appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

A large, stylized handwritten signature in black ink, likely belonging to Dale M. Shaw, is written over a horizontal line.

DALE M. SHAW
Program and Resource
Administrator
571)272-9797

DMS/dpv
RA05-0190

Application No. 09/827,547

The White House on Turtle Creek
2401 Turtle Creek Blvd.
Dallas, TX 75219-4769